IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 5969 of 2006

CRMP.2007/2006 of DISTRICT COURT, KOTTAYAM
CRIME NO.427/2006 OF KOTTAYAM WEST POLICE STATION

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PETITIONER

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1. MATHAI THOMAS , AGED 80 YEARS,
   S/O.THOMAS, VALLATHOOR PUTHEN VEEDU,
   PARANTHAL P.O. PERUMBULIKKAL MURI,
   PANDALAM.

2. PONNACHAN @ MURALI AGED 40,
   S/O.MATHAI KOZHIVAYALIL, PARAKKODE,
   ADOOR.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   KOTTAYAM WEST POLICE STATION.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5969/2006

DATED THIS THE 12TH DAY OF OCTOBER, 2006

O R D E R

The petitioners 1 and 2 are accused 3 and 2 respectively, in crime No.427/2006 of Kottayam West Police Station, for the offence punishable under Sections 468, 471 and 420 IPC read with Section 34 IPC.

2. It is alleged that the accused had forged the FIR and made claim before the Insurance Company, in connection with the motor vehicle accident that occurred involving the vehicle of the first petitioner. First accused is the son of the third accused, the first petitioner herein. The Sessions Judge, before whom the petitioners had approached for a pre-arrest order, declined to grant the same. They are before this Court, under Section 438 Cr.P.C.

3. The learned counsel for the petitioners submitted that the first petitioner is aged about 80 and is suffering from pulmonary tuberculosis. The certificate also is produced to show that he is not able to walk and he needs bed rest. The counsel therefore, submits that a pre-

arrest order may be issued in respect of the petitioners.

4. The materials available before me show that the petitioners are involved in the case, which requires investigation. Therefore, without entering into any discussion on the merit of the matter, I direct the petitioners to surrender before the Investigating Officer, who is investigating crime No.427/2006 of Kottayam West Police Station, on 19.10.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below on the same day itself.

6. The learned Magistrate shall consider the bail application(s) of both the petitioners, including the medical documents that may be produced in respect of the third accused, and pass appropriate orders on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs